



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
15 Flanders Memorial Road
P.O. Box 190
Weare, NH 03281
Phone: (603) 529-2250
Fax: (603) 529-4554

Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
MARCH 27, 2008
(Approved as written 4/10/08)**

PRESENT: Craig Francisco, Vice Chairman; George Malette, Secretary; Tom Clow, Exofficio; Neal Kurk, Alternate; Arthur Townes, Alternate; Naomi L. Bolton, Land Use Coordinator

GUESTS: Mike Dahlberg, LLS; Art Siciliano, LLS; Glenn Morrell; Robin Morrell; Wayne Daniels; Lynda Fiala; Rick Townes; Lee Quimby

I. CALL TO ORDER:

In the absence of Chairman Paul Morin, Vice Chairman Craig Francisco called the meeting to order at 7:00 PM at the Weare Town Office Building. Vice Chairman Francisco appointed Neal Kurk to sit as a voting member for the evening. Vice Chairman Francisco stated that he would like to dispense of the minutes until later in the evening and get right to the hearings.

II. PUBLIC HEARINGS:

SW REALTY TRUST (WOODBURY'S GARDEN CENTER) – AMENDED SITE PLAN REVIEW, SOUTH STARK HIGHWAY, TAX MAP 408-172: Vice Chairman Francisco opened this hearing at 7:02 PM. Mike Dahlberg was present. At last months Zoning Board meeting they were successful in obtaining a special exception for parking and a variance for the checkout stand. They are here tonight for an amended site plan showing the checkout stand in the new approved location and the addition of 3 parking spaces next to the checkout stand and the previous spaces approved with the special exception. They have come up with the design of the sign, which is replacing the old sign, same size. (Arthur Townes arrived during the discussion of this application, therefore he would not be appointed until the end of the hearing.) George Malette moved to accept the application as complete; Neal Kurk seconded the motion. Vote: all in favor. There was no public comment. Neal Kurk moved to approve the amended plan as presented; Tom Clow seconded the motion, all in favor. Vice Chairman Francisco closed this hearing at 7:10 PM.

Arthur Townes stated that he will be stepping down for the next hearing.

BEVERLY TOWNES-CLUSTER SUBDIVISION (CONTINUED HEARING), SUGAR HILL ROAD, #403-019: Vice Chairman Francisco opened this hearing

at 7:11 PM. Mike Dahlberg was present. Art Townes was present. Mr. Dahlberg explained that last month they had an approvable plan but was asked to wait until after the March vote to see if the article passed regarding the prime agricultural soils. The appropriate buffers were shown as requested. His client was amenable to have the 100 feet in a no cut area that abuts the open space as requested. This means that approximately a total of 24 ½ acres are protected with a conservation easement. The previous 10 acres in the previous application is part of this package and will also have a conservation easement on it. Neal Kurk asked if the board had received a draft copy of the conservation easement. Mr. Dahlberg responded that it had not yet been drafted. The board agreed that they would like to see a draft copy and they urged Mr. Dahlberg to get it to the Conservation Commission for their blessing. The following items are outstanding items:

- = Draft easement deed
- = State Subdivision Approval
- = Add a note about the external buffer

Naomi offered to send Mr. Dahlberg an electronic copy of a previously approved Conservation Easement Deed. Tom Clow moved to continue this hearing to April 24, 2008; George Malette seconded the motion, all in favor. Vice Chairman Francisco closed this hearing at 7:30 PM.

Arthur Townes returned to his seat on the board. Vice Chairman Francisco appointed Mr. Townes as a voting member for the rest of the evening.

HIGH ROCK DEVELOPMENT – SUBDIVISION (CONTINUED HEARING),
TWIN BRIDGE ROAD, TAX MAP 110-077: Vice Chairman Francisco opened this hearing at 7:31 PM. Art Siciliano was present. Mr. Siciliano stated that both attorneys are not going to be present this evening and he asked the board what they would like to do. Mr. Siciliano stated that he can explain the changes that he has made to the plan, but would prefer any easement, open space, etc questions be held off until next month when the attorneys are present. After the joint Conservation Commission meeting on March 12th the plan now has a few changes. This new plan shows a 3.02 acres lot labeled un-buildable. This lot will eventually be going back to the Daniels Lake Development Corp. Mr. Siciliano went through the calculations for the lot as follows:

Total Area = 62.93 acres
Area of Dam lot = 3.02 acres
62.93 acres – 3.02 acres = 59.91 acres
59.91 divided by 2 = 29.96 acres
Open Space Provided: 27.41 & 2.57 = 29.98 acres

The access to the open space strip of land bordering the north will be via Route 114. George Malette asked that the deeds be presented to the Conservation Commission for their review. Vice Chairman Francisco asked how the 3.02 acre lot can not be considered part of the parcel. The Conservation Commission

indicated that they can't use it in the open space and they didn't want it. Vice Chairman Francisco stated that he disagreed, just because it is not suitable for building it is still part of the total parcel. Mr. Siciliano stated that if the board would allow he would like to annex this 3.02 acres to another parcel that Daniels Lake own by doing a lot line adjustment. The board agreed that the lot line adjustment would be the easiest. It would require a plan and notifying abutters, but the board agreed that it would make things a lot cleaner. Mr. Siciliano asked about having to survey the entire other parcel. The board suggested that he could ask for a waiver of that requirement. Vice Chairman Francisco suggested that he would like to see a release from Daniels Lake Corporation to High Rock Development before the transfer of property. Tom Clow moved to continue this hearing to April 24, 2008; Neal Kurk seconded the motion, all in favor. Vice Chairman Francisco closed this hearing at 7:45 PM.

Arthur Townes stated that he would be removing himself from the board for the next hearing.

LYNDA R. TOWNES – SITE PLAN REVIEW, NORTH STARK HIGHWAY, TAX MAP 203-044.001: Vice Chairman Francisco opened this hearing at 7:46 PM. Art Siciliano and Rick Townes were present. Mr. Siciliano explained the purpose of the plan is to build a third building on this lot to be used as a martial arts studio. Vice Chairman Francisco expressed his concern with the building being about 1 ½ feet from the buffer. There is a letter from Peter Schauer regarding the wetlands and his stamp will be put on the final plans. They went to the Conservation Commission for their input. George Malette pointed out that the Conservation Commission would like to see pictures of the area, just like at Country 3 Corners. The State of NH Driveway permit was obtained. Mr. Siciliano will get the board a copy for the file. They went to the Board of Firewards but the board has not returned comments for this evening. Tom Clow moved to waive the storm water drainage requirement due to the limited disturbance that this proposal would be creating; Neal Kurk seconded the motion. Vote: all in favor. Vice Chairman Francisco asked what the distance was between the buildings. Mr. Siciliano stated that there is 25' rear and 34' front between buildings 2 & 3. Vice Chairman Francisco asked if a new septic would be needed. Mr. Townes explained that when he built the video store he put a water meter on the buildings. Mr. Siciliano did some calculations. The existing system is designed for 300 gallons per day and the existing use of the 2 buildings is 25.4 gallons per day. So it didn't appear that this additional building would require an additional septic system. The board asked if there was going to be a sign. Mr. Townes stated that what the proposed tenant would like to do is to take the existing sign he has from the Dimitri's plaza and move it to here. The board indicated that the sign will need to conform to the newly voted Article 34.

Lee Quimby, abutter asked if the setbacks had changed from 25' to 20'. He thought the side setback was 25'. The board responded no in the Village it has always been 20'. He said he didn't have an issue. That was his only question.

The following items are outstanding:

- Fireward comments
- Show paved area around the new part
- Conservation Commission comments
- Sign details
- Add note that the disturbed area will be loamed and seeded after construction

Tom Clow moved to continue this hearing to April 24, 2008; Neal Kurk seconded the motion, all in favor. Vice Chairman Francisco closed this hearing at 8:15 PM.

III. APPROVAL OF MINUTES:

MARCH 12, 2008 MINUTES: George Malette moved to approve the March 12, 2008 minutes as amended; Tom Clow seconded the motion, all in favor.

MARCH 13, 2008 MINUTES: George Malette moved to approve the March 13, 2008 minutes as amended; Tom Clow seconded the motion, all in favor.

IV. OTHER BUSINESS:

HOUSING AND CONSERVATION PLANNING PROGRAM GRANT THROUGH THE OFFICE OF ENERGY AND PLANNING (OEP): Naomi informed the board that she has been working with Southern NH Planning Commission on this grant application. This is a matching grant but can be matched with in-kind services match, meaning that all the volunteer hours will be calculated at \$18.04 per hour per member. Naomi stated that she would like the board to take a look at this to see if they feel it is worth sending. As part of the requirement of the grant a prescreening process needs to take place by OEP, and the deadline is tomorrow to get the information to OEP. It can be sent electronically to OEP by 4:30 PM tomorrow. The actual final application is due on April 11, 2008. The board felt it would be fine to forward the application for the prescreening process. The board would also like an electronic file send to all of them. This will be taken up at the April 10, 2008 meeting.

RE-APPOINTMENT OF BOARD MEMBERS: Naomi informed the board that both Craig Francisco and George Malette terms have expired. The Board of Selectmen has requested that a formal motion for the reappointment from the Planning Board be forwarded before the action will be taken. Neal Kurk stated that he has an issue with the Planning Board recommending it own member to the Board of Selectmen. He felt that the appointing authority should act on their own. Arthur Townes moved to recommend to the Board of Selectmen that Craig Francisco and George Malette be reappointed as Planning Board members for three year terms; Tom Clow seconded the motion. Vote: 2 in favor (Townes and Clow) and 3 abstentions (Kurk, Francisco and Malette), therefore motion passes.

EASTER SEALS: Vice Chairman Francisco stated that after the last meeting there was a discussion between the board and a representative of Easter Seals, trying to find out if they needed to come before the board for a site plan review. Chairman Morin called Attorney Bill Drescher's office for his opinion regarding this subject. Attorney Drescher's associate, Mr. Dwight Sowerby gave the board a two page legal opinion that basically bottom line is that the board has no jurisdiction in this matter. The board felt that Naomi should notify Easter Seals and the Fire Chief of this opinion.

V. ADJOURNMENT:

As there was no further business to come before the board, George Malette moved to adjourn at 9:00 PM; Tom Clow seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator